Sexual Assault in Nova Scotia: A Statistical Profile

December 2005

Nova Scotia Advisory Council
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About the Advisory Council

The Nova Scotia Advisory Council on the Status of Women was established by provincial statute in 1977. The Council's mandate under the Advisory Council on the Status of Women Act is to advise the Minister Responsible for the Status of Women and to bring forward the concerns of women in Nova Scotia.

The Council's work touches on all areas of women's lives, including...

- ♀ family life
- ♀ economics
- ♀ legal rights
- ♀ sexuality
- ♀ health
- ♀ education
- ♀ paid and unpaid work
- ♀ violence

Council pays close attention to the experiences of women who face barriers to full equality because of race, age, language, class, ethnicity, religion, ableness, sexual orientation, or various forms of family status.

We are committed to voicing women's concerns to government and the community through policy research, information services and community liaison. Working cooperatively with women and equality-seeking organizations, our mission is to advance equality, fairness and dignity for all women.

Acknowledgements

The Nova Scotia Advisory Council on the Status of Women gratefully acknowledges the assistance of the Nova Scotia Department of Justice for sharing of data for this statistical report. Sincere thanks also goes out to Shelley Comeau for her editing and proof-reading skills and to all those who read or commented on earlier drafts of this report, including:

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Introduction

This profile pulls together in one document the statistics that exist on sexual assault in Nova Scotia. The profile begins by outlining our current knowledge about the prevalence of sexual assault in the population, based on the findings of a recently published Canadian survey on victimization. The remainder of the report focuses on our existing knowledge of police-reported sexual assaults and how these crimes are dealt with by police and the courts in Nova Scotia. In both cases, the statistics paint a disturbing picture about the personal safety and well-being of women in this province.

According to the General Social Survey (GSS), Nova Scotia's rate of sexual assault was 40 per 1,000 population aged 15 and over in 2004. This rate was not significantly different from the national rate of 21 per 1,000 population. However, while the national rate remained unchanged from 1999 to 2004, Nova Scotia's rate increased significantly.

The GSS showed that the vast majority of sexual assault victims are female, while more than 90 percent of accused are male. Most victims of sexual assault are young, with close to half being under the age of 25.

A particularly striking finding from this survey is that the vast majority of victims of sexual assault do not report the crime to police. Even when compared to other forms of violent victimization, sexual assaults are much less likely to be reported to police. In 2004, only 8 percent of Canadians who indicated having been sexually assaulted in the past 12 months reported the incident to police, compared to 39 percent of those who were physically assaulted and 46 percent of those who were victims of robbery.

When we examine statistics on the very small proportion of sexual assaults that do get reported to police in Nova Scotia, we are able to get a sense of how these types of crimes are addressed by the justice system, especially when we compare sexual assaults to other reported violent crimes. We know, for instance, that the 886 sexual offences reported to Nova Scotian police in 2004 made up 8 percent of all reported violent offences.

The rate of police-reported sexual assault has changed considerably over time. With major changes in sexual assault legislation in the early 1980s, came a sharp and steady increase in reporting to police, peaking in 1992 and declining substantially since. In 2004, the rate of police-reported sexual assault in Nova Scotia was 88 per 100,000 population.

When we examine court responses to sexual assaults over time, several trends clearly emerge:

- The proportion of sexual assault cases that result in the laying of a charge against the accused has declined substantially in the last decade. This is not the case for other violent offences. The proportion of sexual assaults that result in the laying of a charge is lower in Nova Scotia than in any other province in Canada, except PEI.

- Clearance rates for sexual assaults have also declined substantially but have increased slightly for other violent offences.

- Acquittal rates for sexual assaults have risen substantially for adult offenders and slightly for young offenders in the last decade but have remained steady for other violent offences.

- There has been a significant decline in the proportion of prison sentences given to adult offenders convicted of sexual assault in the past decade, while the proportion of prison sentences given to those convicted of other violent offences has remained relatively stable.

- Conditional sentences are much more likely to be given in cases of sexual assault than for other violent offences.

An examination of police-reported rates of sexual assault at the regional level also shows some clear differences. Rates of police-reported sexual assault are highest in Cape Breton and lowest in the Valley region of the province. There are also dramatic differences in the proportion of sexual assaults that result in the laying of a charge against the accused. In 2004, Halifax Regional Municipality (HRM), at 19 percent, had the lowest proportion, while 65 percent of sexual assaults reported in the South West region of the province resulted in the laying of a charge. Not surprisingly, HRM's clearance rate for sexual assaults in 2004 was also the lowest in the province, at 28 percent.

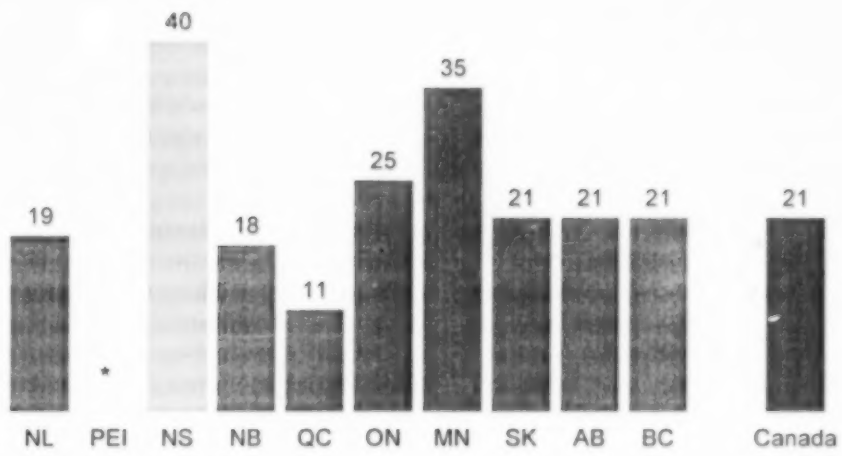
These statistics only begin to give us a picture of sexual assault in this province. What is clear is that the high incidence of sexual assault in Nova Scotia, combined with a declining police and court response to sexual offences, leaves women in this province in a position of vulnerability.

What We Know About Sexual Assault in the Population:

Nova Scotia's Sexual Assault Rate is Not Significantly Different from the National Average

Sexual Assault Rate per 1,000 Population Aged 15+
Canada and Provinces, 2004

A recently-released report on criminal victimization in Canada indicated that, in 2004, Nova Scotia had a sexual assault rate of 40 per 1,000 population aged 15 and over.



* Too unreliable to be published.

Figure 1.

While Nova Scotia's sexual assault rate appears to be higher than that of other provinces and higher than the national rate, none of these differences are statistically significant except for the difference between Nova Scotia's rate (40) and Québec's (11).[1]

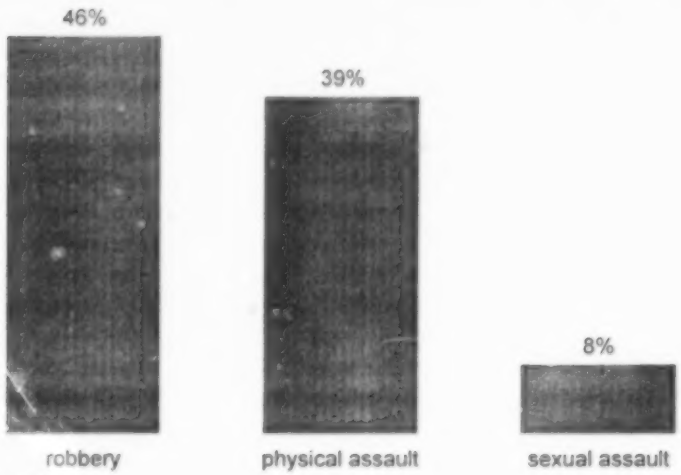
Though the national rate of sexual assault remained virtually unchanged from 1999 to 2004, two provinces, Nova Scotia and Manitoba, experienced statistically significant increases in their rates of sexual assault over this five-year period. British Columbia was the only province to show a decline in its rate of sexual assault, while all other provinces' rates remained unchanged.[2]

There is no other information available from the victimization survey about sexual assault at the provincial level. However, a number of findings are available at the national level. These include:

- The rate of sexual assault for women was five times higher than the rate for men (35 per 1,000 women versus 7 per 1,000 men) – 84 percent of those who indicated they had been sexually assaulted in the past 12 months were women, while 16 percent were men

- Most victims of sexual assault are young – 44 percent of those who had experienced sexual assault were aged 15-24, another 24 percent were aged 25-34, and another 19 percent were aged 35-44
- 86 percent of victims indicated that they lived in urban rather than rural areas
- More than half of victims (56 percent) reported that they engaged in 30 or more evening activities per month
- In 91 percent of sexual assault incidents, the accused was male
- In more than half of incidents (54 percent), the accused was aged 18-34[1]

Proportion of Violent Crimes that are Reported to Police Canada, 2004



What is also known about sexual assault from victimization surveys is that the vast majority of such incidents do not get reported to police. In comparison to other types of violent victimization, victims of sexual assault are much less likely to report the crime to police.

Figure 2.

In 2004, only 8 percent of Canadians who indicated having been sexually assaulted in the past 12 months reported the incident to police compared to 39 percent of those who were physically assaulted and 46 percent of those who were victims of robbery.

Sexual Assaults Reported to Police in Nova Scotia

In 2004, 886 incidents involving sexual offences were reported to police in Nova Scotia. Sexual offences comprised 8 percent of all violent offences reported to police in the province.

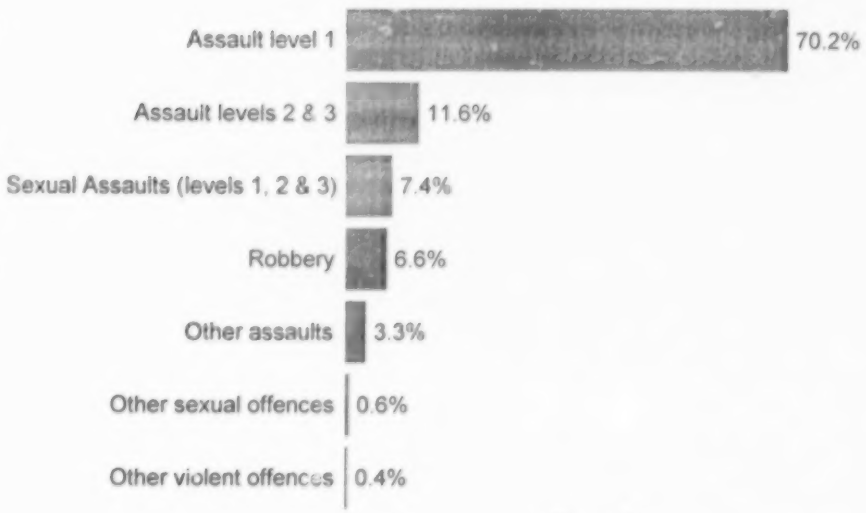
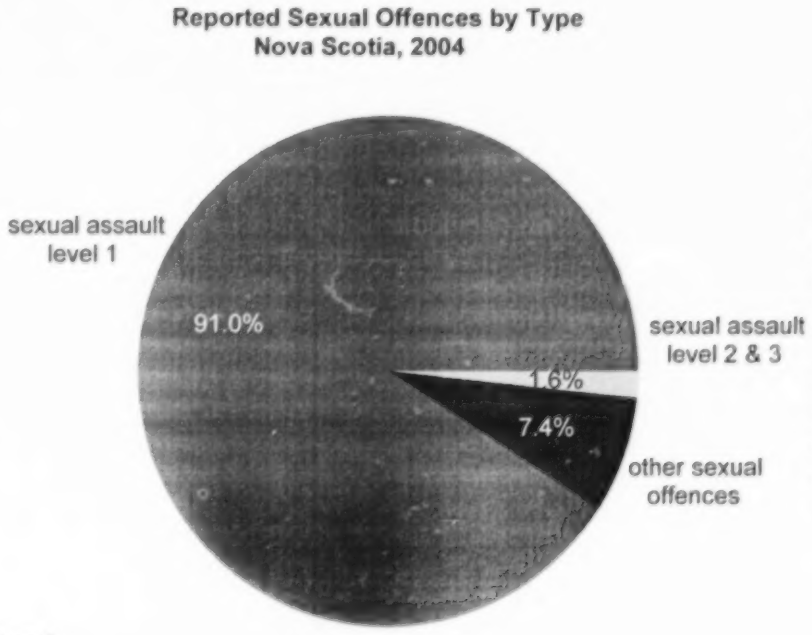


Figure 3.



The vast majority (91 percent) of sexual offences reported to police in Nova Scotia in 2004 were level 1 sexual assaults while 7.4 percent of these offences fell into the "other sexual offence" category. Less than 2 percent of reported sexual offences were categorized as level 2 or level 3 sexual assaults.

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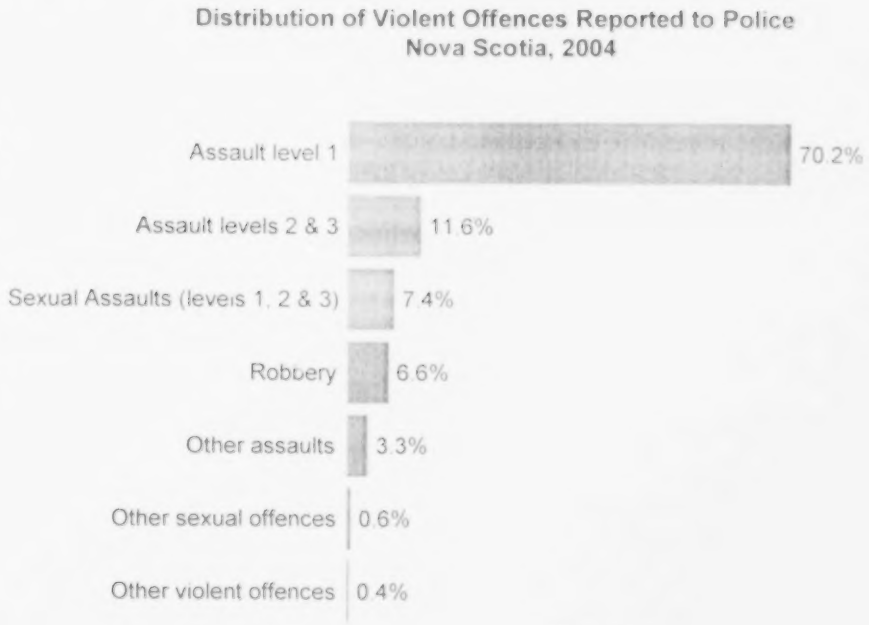

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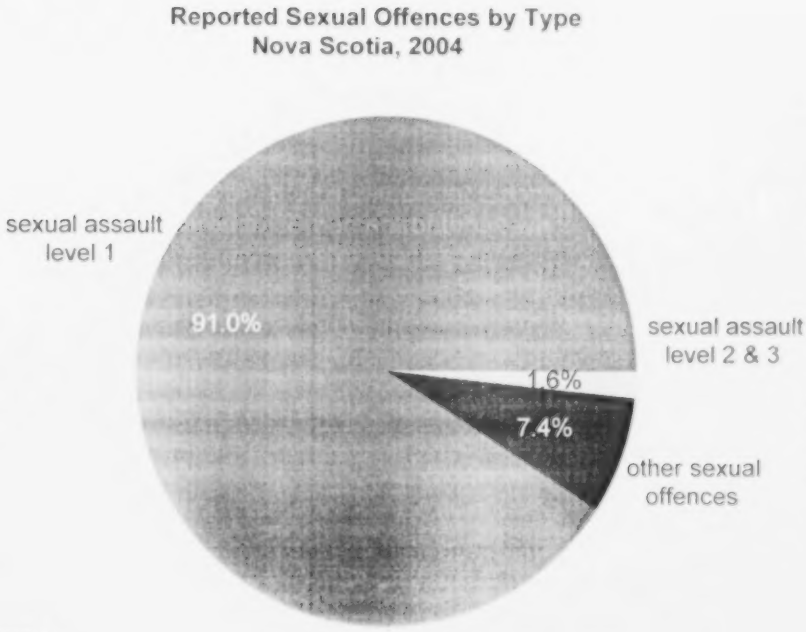

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Figure 4.

Rates of Police-Reported Sexual Assaults
Nova Scotia, 1983-2004

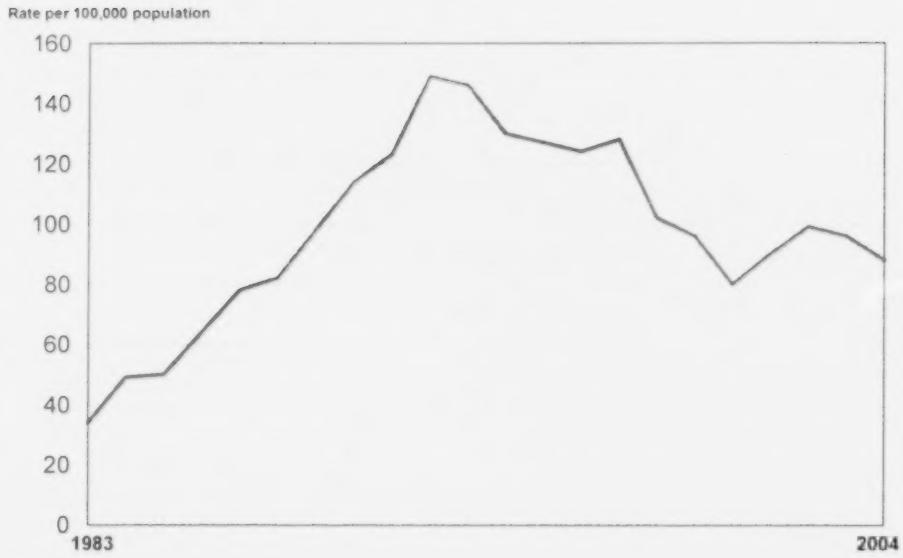

Figure 5.

Rates of police-reported sexual assaults in Nova Scotia rose dramatically in the early 1980s, corresponding to changes in legislation. Rates peaked in 1992 at 149 per 100,000 population and have declined substantially since. By 2004, the rate of police-reported sexual assaults had declined to 88 per 100,000 population.

Rates of Police-Reported Sexual Assaults
Canada, Provinces and Territories, 2004

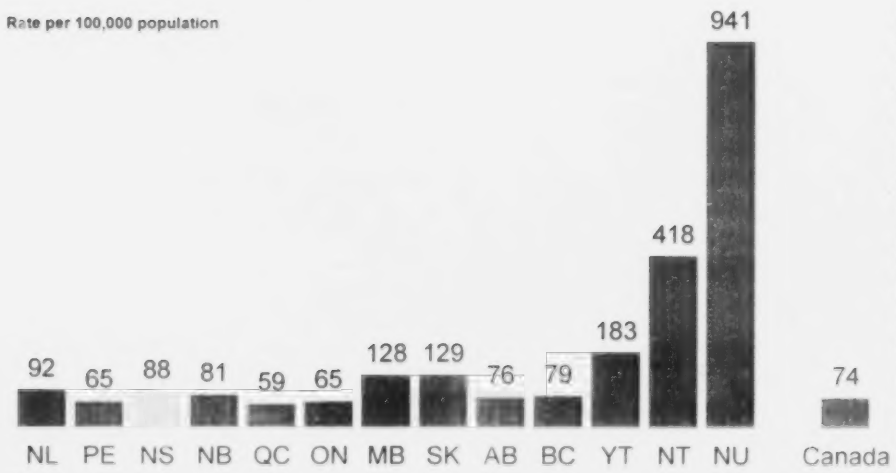

Figure 6.

While Nova Scotia's rate of reported sexual assaults in 2004 was not the highest in the country, at 88 per 100,000 population, this province's rate was higher than the national rate of 74 per 100,000 population.

In 2004, 85 percent of victims of all sexual offences reported to the Halifax Regional Police Service were female and 15 percent were male. In close to half of cases (49 percent), victims (female and male) were under the age of 18.

Victim-Suspect Relationship for Sexual Offences Reported to the Halifax Regional Police Service, 2004

In close to 70 percent of cases reported to the Halifax Regional Police Service in 2004, victims of sexual offences knew the accused. Thirty-two percent of victims were sexually assaulted by strangers.[3]

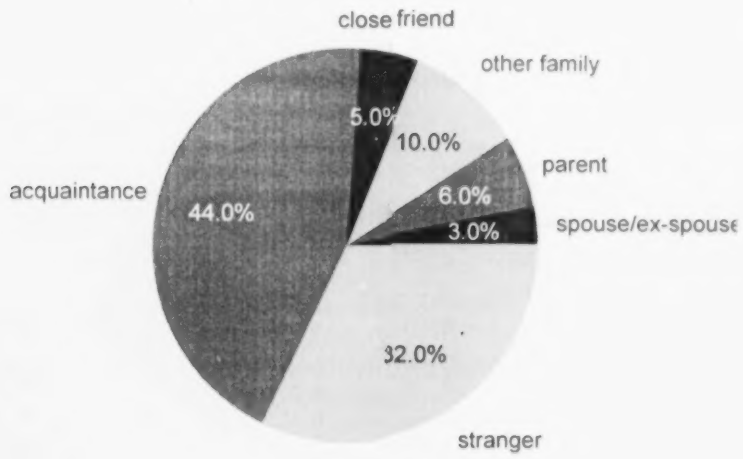

Figure 7.

Sexual Assault and the Criminal Justice System

Of the 820 sexual assaults reported to police in Nova Scotia in 2004, charges were laid in 250 cases (31 percent). Another 89 cases (11 percent) were cleared otherwise[4] and the remaining 481 incidents (59 percent) were not cleared. In the same year, other types of violent offences reported to police were cleared by the laying of a charge in 43 percent of cases, while 22 percent were cleared otherwise and 36 percent remained not cleared.

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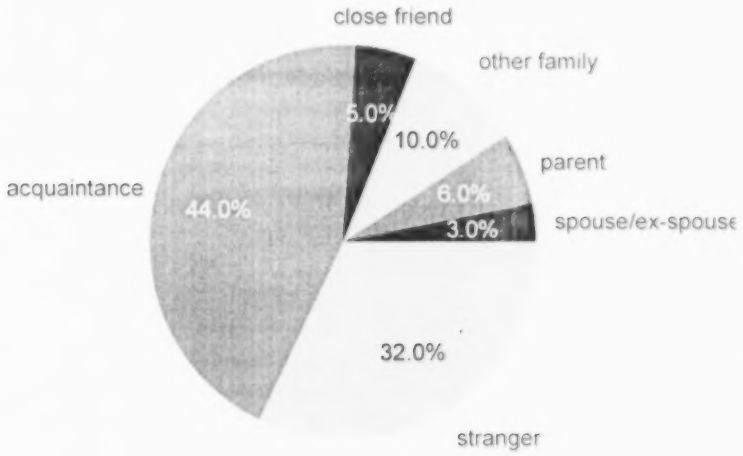

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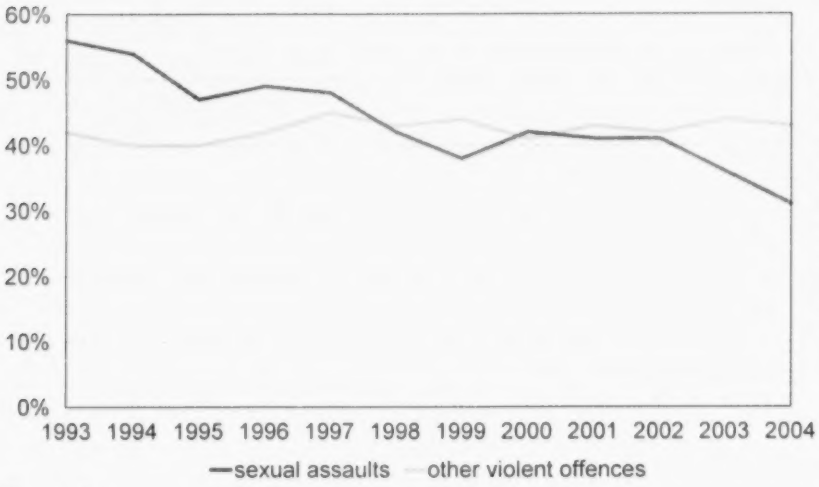
Percentage of Sexual Assaults and Other Violent Offences[5] Where Charge is Laid
Nova Scotia, 1993-2004



The proportion of sexual assault cases that are cleared through the laying of a charge has declined considerably in Nova Scotia over the past decade.

Figure 8.

Between 1993 and 2004, the proportion of sexual assaults where a charge was laid declined from 56% to 31%. In comparison, the proportion of other violent offences that resulted in the laying of a charge remained relatively stable.

Percentage of Sexual Assaults Where Charge is Laid
Canada, Provinces and Territories, 2004

The proportion of sexual assaults that result in the laying of a charge in Nova Scotia (31 percent) is lower than in all other Canadian provinces and territories, with the exception of Prince Edward Island.

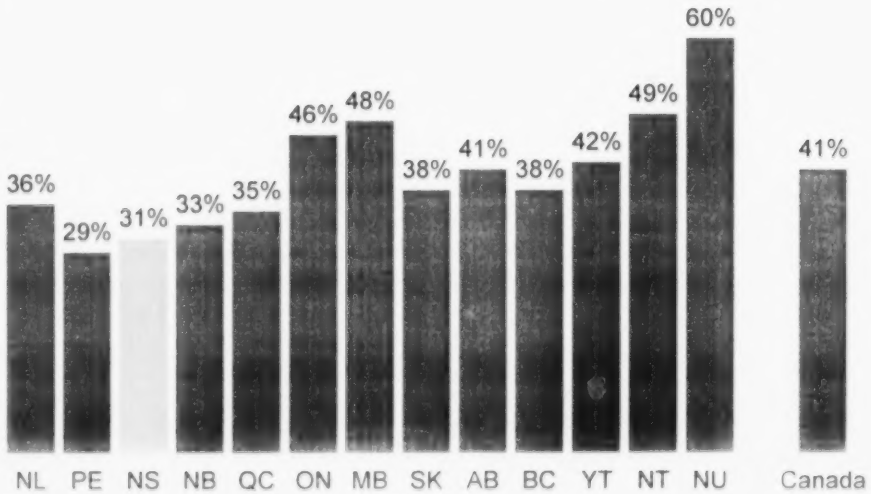


Figure 9.

Clearance Rates for Sexual Assaults and Other Violent Offences
Nova Scotia, 1993-2004

Clearance rates[6] for sexual assaults in Nova Scotia have declined while clearance rates for other violent offences have shown a slight upward trend over the last decade. In 2004, the clearance rate for sexual assaults was 41 percent while for other violent offences it was 64 percent.

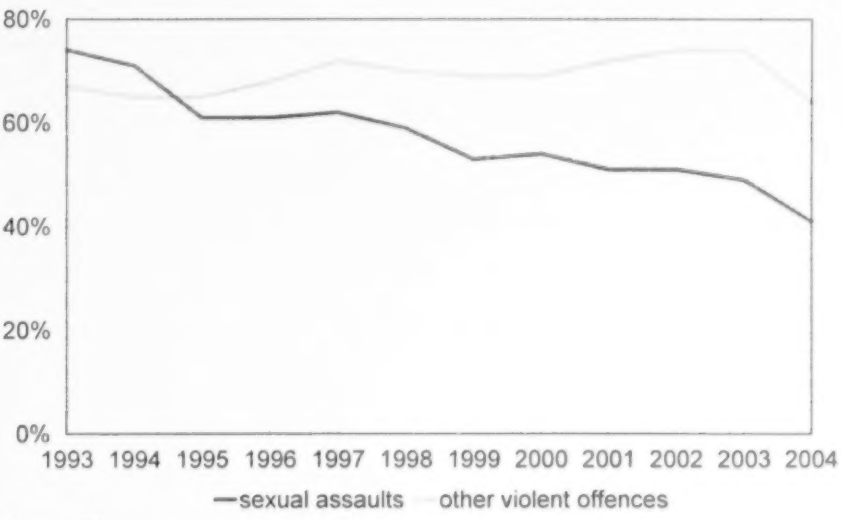
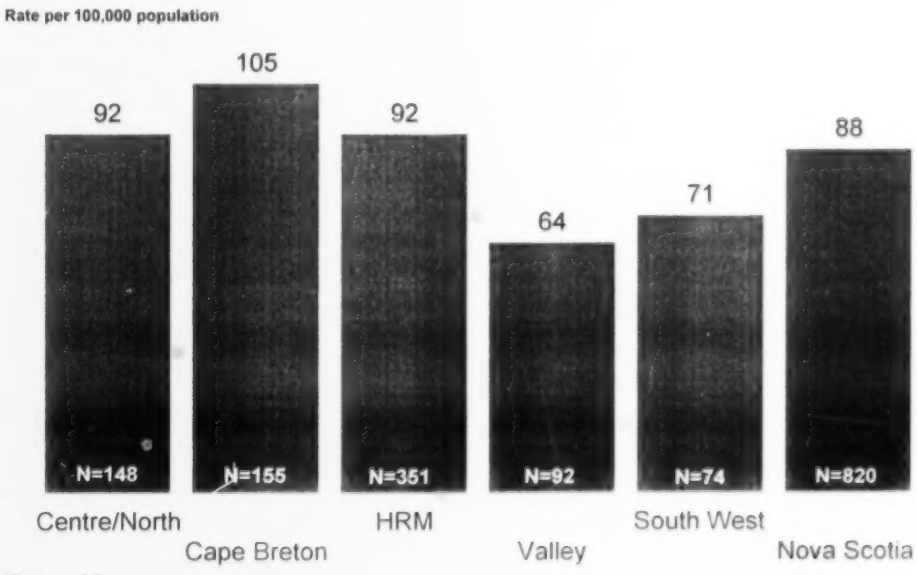


Figure 10.

A Look at the Regions

Rates of Police-Reported Sexual Assaults
Nova Scotia and Regions, 2004



There are differences in the rate of sexual assault depending on the region of the province, with Cape Breton having the highest (105 per 100,000 population) and the Valley having the lowest (64 per 100,000 population) in 2004.

Figure 11.

Percentage of Reported Sexual Assaults Where Charge is Laid
Nova Scotia and Regions, 2004

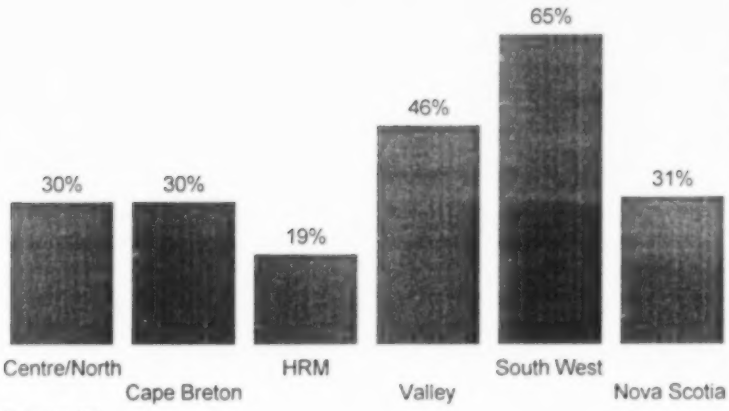


Figure 12.

There are also evident differences in the proportions of reported sexual assaults that result in the laying of a charge, depending on the region of the province. HRM, at 19 percent, has the lowest proportion of sexual assaults that are cleared through the laying of a charge against the accused.
The South West region of the province has the highest proportion charged at 65 percent.

Clearance Rates for Reported Sexual Assaults
Nova Scotia and Regions, 2004

HRM has the lowest clearance rates in the province at 28 percent, while the South West region of the province has
the highest at 77 percent.

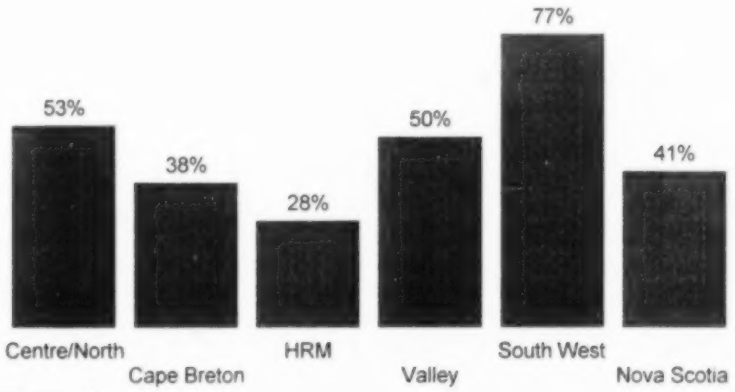


Figure 13.

Sexual Assault and the Courts – Adult Court Decisions

Conviction Rates for Sexual Assaults and Other Violent Offences
Nova Scotia - Adult Court, 1994/95 to 2003-04

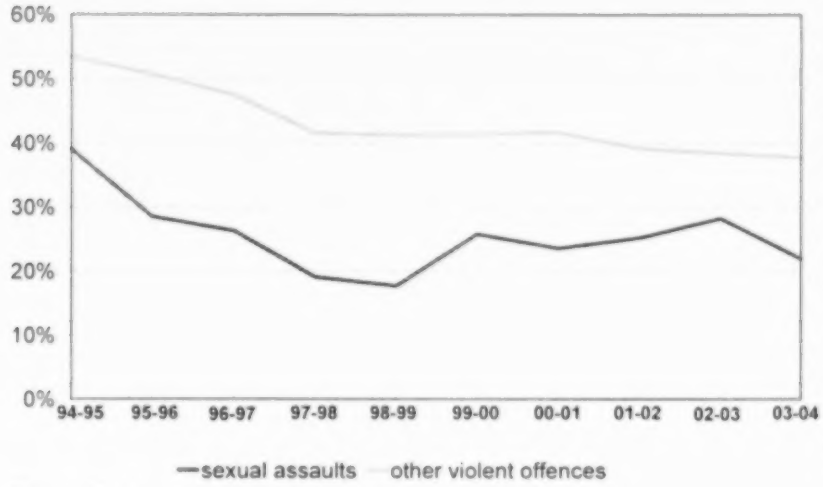


Figure 14.

Conviction rates[7] for adults have declined for all violent offences over the past decade. However, conviction rates are lower for sexual assaults than they are for other violent offences. In 2003/04, the conviction rate for sexual assaults in Nova Scotia was 22 percent. In comparison, the conviction rate for other violent offences was 38 percent.[8]

Acquittal Rates for Sexual Assaults and Other Violent Offences
Nova Scotia - Adult Court, 1994/95 to 2003-04

While acquittal rates for sexual assaults have shown a significant upward trend over the past decade, acquittal rates for other violent offences have remained relatively stable. In 2003/04, the acquittal rate for reported sexual assaults in Nova Scotia was 23 percent. In comparison, the acquittal rate for other violent offences was only 8 percent.

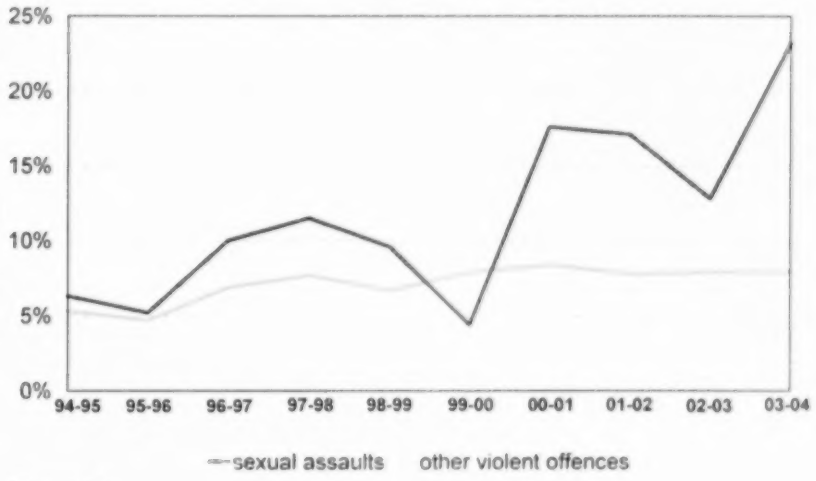
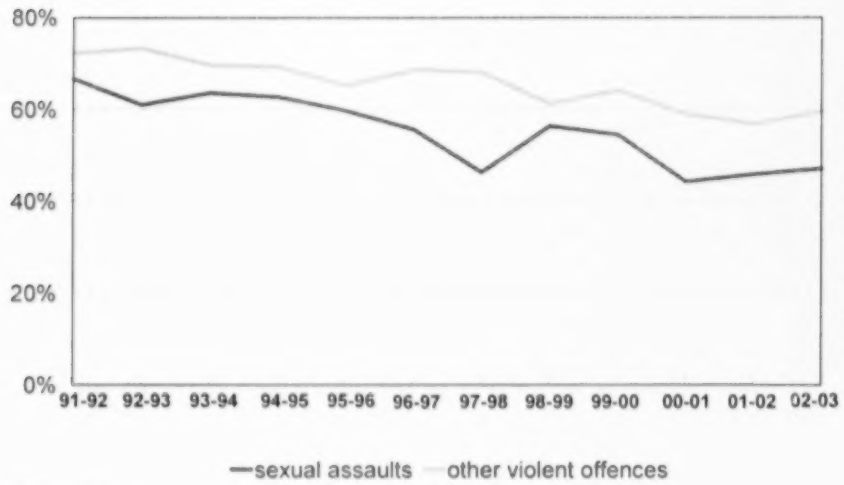


Figure 15.

Sexual Assault and the Courts – Youth Court Decisions[9]

Conviction Rates for Sexual Assaults and Other Violent Offences
Nova Scotia - Youth Court, 1991/92 to 2002-03



Conviction rates for young offenders have also declined for all violent offences over the past decade. However, as is the case for adult offenders, conviction rates of young offenders are lower for sexual assaults than they are for other violent offences.

Figure 16.

Acquittal Rates for Sexual Assaults and Other Violent Offences
Nova Scotia - Youth Court, 1991/92 to 2002-03

Youth Court acquittal rates for sexual assault have also shown a slight upward trend over the past decade. Acquittal rates for other violent offences, on the other hand, have remained relatively stable during the same period. In 2002/03, the acquittal rate (i.e., of young offenders) for sexual assaults in Nova Scotia was 12 percent while for other violent offences it was only four percent.

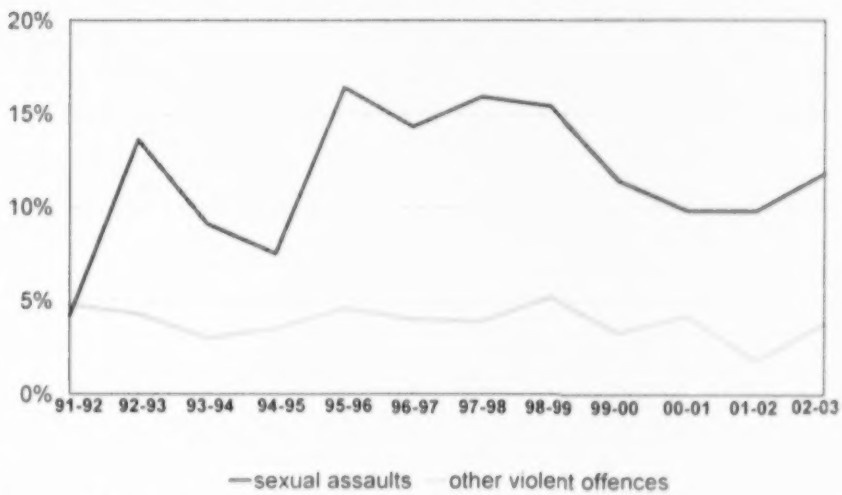


Figure 17.

Sentencing of Sexual Assault – Adult Court

Sentencing for Sexual Assaults and Other Violent Offences
Nova Scotia - Adult Court, 1994/95 to 2003/04
Prison

There has been a significant decline in the proportion of prison sentences given to adult offenders convicted of sexual assault over the past decade. Between 1994/95 and 2003/04, the proportion of prison sentences given for sexual assaults declined from 60 percent to 36 percent, while the proportion of prison sentences given to those convicted of other violent offences remained relatively stable.

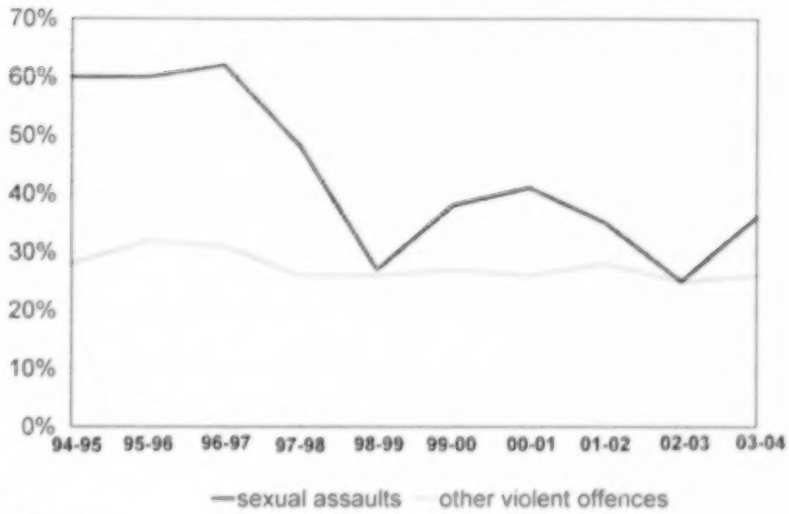
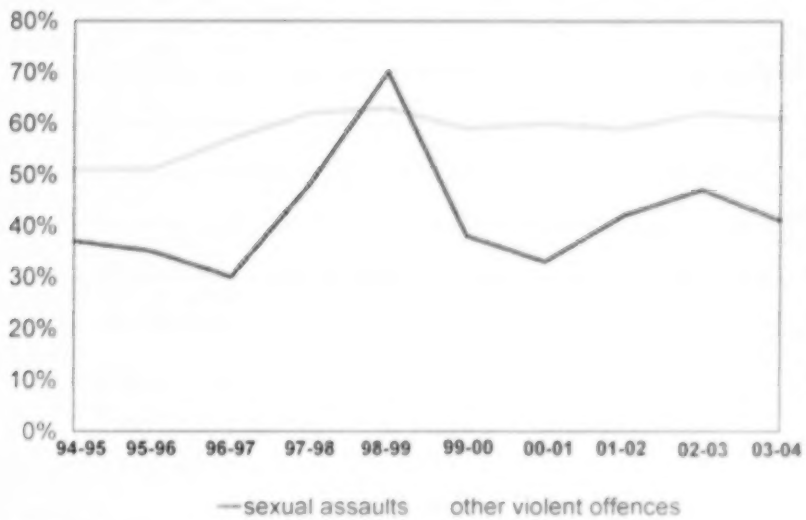


Figure 18.

Sentencing for Sexual Assaults and Other Violent Offences – Probation
Nova Scotia - Adult Court, 1994/95 to 2003-04



In Nova Scotian adult courts over the past decade, probation has typically been given more frequently as a sentence for other violent offences than it has been for sexual assaults. For both sexual assaults and other violent offences, there has been a slight increase over time in the proportion of cases given probation.

Figure 19.

Sentencing for Sexual Assaults and Other Violent Offences
Nova Scotia - Adult Court, 1999/2000 to 2003-04
Conditional Sentence

Conditional sentences are much more frequently given in cases of sexual assault and other sexual offences than they are for other violent offences in Nova Scotian adult courts. In 2003/04, conditional sentences were given to 21 percent of those convicted of sexual assault compared to only 6 percent of those convicted of other violent offences in the province.

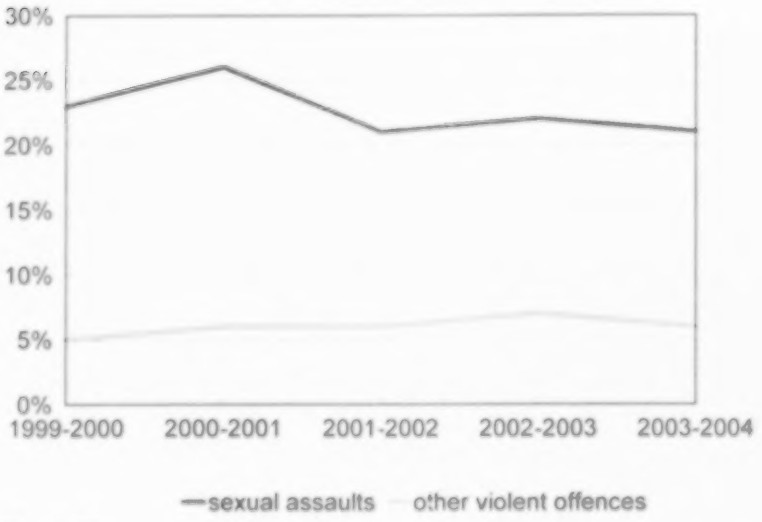
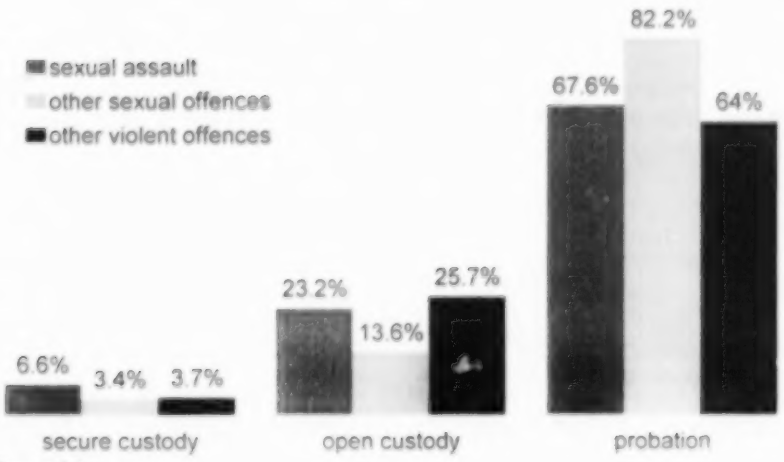


Figure 20.

Sentencing of Sexual Assault – Youth Court

Sentencing[10] for Sexual and Other Violent Offences
Nova Scotia - Youth Court, 1991/92 to 2002-03



Overall, young offenders who are convicted of sexual assault are more frequently given secure custody sentences than are young offenders convicted of other sexual offences or other violent offences. Young offenders convicted of other sexual offences are less likely to receive open custody and more likely to receive probation.

Figure 21.

Appendix A

Sexual Offences as defined by the *Criminal Code of Canada*[11]

There are three levels of sexual assault defined by the *Criminal Code of Canada*.

Sexual assault level 1 (s.271) -- an assault committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated. Level I involves minor physical injuries or no injuries to the victim. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction (with a maximum sentence of 18 months imprisonment or $2,000 fine).[12]

Sexual assault level 2 (s.272) -- sexual assault with a weapon, threats, or causing bodily harm. Level 2 is an indictable offence carrying a maximum sentence of 14 years imprisonment. A mandatory minimum sentence of four years in prison is imposed if a firearm is used.

Aggravated sexual assault - level 3 (s.273) -- sexual assault that results in wounding, maiming, disfiguring or endangering the life of the victim. Level 3 is an indictable offence carrying a maximum sentence of life imprisonment. A mandatory minimum sentence of four years in prison is imposed if a firearm is used.

The term **other sexual offences** includes a group of offences that are meant primarily to address incidents of sexual abuse directed at children. The Criminal Code offences included in this category are:

Sexual interference (s.151) -- the direct or indirect touching (for a sexual purpose) of a person under the age of 14 years using a part of the body or an object. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

Invitation to sexual touching (s.152) -- inviting, counseling or inciting a person under the age of 14 years to touch (for a sexual purpose) the body of any person directly or indirectly with a part of the body or with an object. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

Sexual exploitation (s.153) -- a person in a position of trust or authority towards a young person or a person with whom the young person is in a relationship of dependency, commits sexual interference or invitation to sexual touching. "Young person" refers to a person between 14 and 18 years of age. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of five years imprisonment) or by way of summary conviction.

Incest (s.155) -- sexual intercourse with a person that has a known defined blood relationship with them. This is an indictable offence carrying a maximum sentence of 14 years imprisonment.

Anal intercourse (s.159) - with the exception of married couples and other persons over the age of 18 who consent and who engage in these acts in private. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

Bestiality (s.160) - anyone who commits or compels another person to commit bestiality is guilty of a hybrid offence which may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

Appendix B
Detailed Court Data Tables for Nova Scotia

Table 1
Decisions in Nova Scotia Adult Criminal Court for cases involving sexual offences and other violent offences, 1994/95 to 2003/04

		Total		Guilty[13]		Acquitted[14]		Stay/ Withdrawn[15]		Other[16]	
		Number	%	Number	%	Number	%	Number	%	Number	%
Sexual Assault (Levels 1, 2 and 3)	1994/95	272	100	106	39	17	6	74	27	75	28
	1995/96	288	100	82	29	15	5	99	34	92	32
	1996/97	240	100	63	26	24	10	99	41	54	23
	1997/98	262	100	50	19	30	12	105	40	77	29
	1998/99	209	100	37	18	20	10	106	51	46	22
	1999/00	182	100	47	26	8	4	80	44	47	26
	2000/01	165	100	39	24	29	18	72	44	25	15
	2001/02	170	100	43	25	29	17	80	47	18	11
	2002/03	180	100	51	28	23	13	90	50	16	9
	2003/04	177	100	39	22	41	23	86	49	11	6
Other Sexual Offences	1994/95	115	100	32	28	6	5	49	43	28	24
	1995/96	111	100	27	24	13	12	50	45	21	19
	1996/97	92	100	18	20	12	13	42	46	20	22
	1997/98	105	100	10	10	8	8	60	57	27	26
	1998/99	99	100	9	9	9	9	49	50	32	32
	1999/00	63	100	12	19	6	10	28	44	17	27
	2000/01	66	100	9	14	11	17	37	56	9	14
	2001/02	56	100	12	21	5	9	34	61	5	9
	2002/03	90	100	14	16	14	16	51	57	11	12
	2003/04	100	100	14	14	17	17	53	53	16	16
Other Violent Offences	1994/95	2831	100	1515	54	150	5	982	35	184	7
	1995/96	3488	100	1767	51	165	5	1391	40	165	5
	1996/97	3873	100	1838	48	269	7	1620	42	146	4
	1997/98	3905	100	1623	42	302	8	1833	47	147	4
	1998/99	3713	100	1534	41	248	7	1795	48	136	4
	1999/00	3591	100	1486	41	283	8	1743	49	79	2
	2000/01	3512	100	1464	42	294	8	1669	48	85	2
	2001/02	3562	100	1396	39	278	8	1790	50	98	3
	2002/03	3835	100	1476	39	303	8	1977	52	79	2
	2003/04	3941	100	1489	38	311	8	2068	53	73	2

Note: Represents most serious offence in the case

Table 2
Sentences in Nova Scotia Adult Criminal Court for cases involving sexual offences and other violent offences, 1994/95 to 2003/04

		Total		Prison[17]		Conditional Sentence[18]		Probation[19]		Fine[20]		Other[21]/Unknown	
		Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Sexual Assault (Levels 1, 2 and 3)	1994/95	106	100	64	60	0	0	39	37	3	3	0	0
	1995/96	82	100	49	60	0	0	29	35	3	4	1	1
	1996/97	63	100	39	62	0	0	19	30	3	5	2	3
	1997/98	50	100	24	48	0	0	24	48	0	0	2	4
	1998/99	37	100	10	27	0	0	26	70	1	3	0	0
	1999/00	47	100	18	38	11	23	18	38	0	0	0	0
	2000/01	39	100	16	41	10	26	13	33	0	0	0	0
	2001/02	43	100	15	35	9	21	18	42	0	0	1	2
	2002/03	51	100	13	25	11	22	24	47	0	0	3	6
	2003/04	39	100	14	36	8	21	16	41	0	0	1	3
Other Sexual Offences	1994/95	32	100	23	72	0	0	9	28	0	0	0	0
	1995/96	27	100	16	59	0	0	11	41	0	0	0	0
	1996/97	18	100	11	61	0	0	6	33	0	0	1	6
	1997/98	10	100	5	50	0	0	5	50	0	0	0	0
	1998/99	9	100	2	22	0	0	7	78	0	0	0	0
	1999/00	12	100	0	0	8	67	4	33	0	0	0	0
	2000/01	9	100	1	11	4	44	4	44	0	0	0	0
	2001/02	12	100	1	8	5	42	6	50	0	0	0	0
	2002/03	14	100	3	21	4	29	7	50	0	0	0	0
	2003/04	14	100	4	29	3	21	7	50	0	0	0	0
Other Violent Offences	1994/95	1515	100	429	28	0	0	771	51	246	16	69	5
	1995/96	1767	100	563	32	0	0	906	51	242	14	56	3
	1996/97	1838	100	563	31	0	0	1044	57	164	9	67	4
	1997/98	1623	100	414	26	0	0	1007	62	141	9	61	4
	1998/99	1534	100	398	26	0	0	970	63	117	8	49	3
	1999/00	1486	100	404	27	76	5	877	59	105	7	24	2
	2000/01	1464	100	380	26	92	6	882	60	78	5	32	2
	2001/02	1396	100	391	28	84	6	822	59	67	5	32	2
	2002/03	1476	100	374	25	98	7	917	62	50	3	37	3
	2003/04	1489	100	390	26	96	6	915	61	36	2	52	3

Note: Represents most serious offence in the case and most serious sentence

Table 3
Decisions in Nova Scotia Youth Court for cases involving sexual offences and other violent offences, 1991/92 to 2002/03

		Total		Guilty		Acquitted		Stay[22]/ Withdrawn[23]/Other[24]	
		Number	%	Number	%	Number	%	Number	%
Sexual Assault (Levels 1, 2 and 3)	1991/92	48	100	32	67	2	4	14	29
	1992/93	59	100	36	61	8	14	15	25
	1993/94	66	100	42	64	6	9	18	27
	1994/95	67	100	42	63	5	8	20	30
	1995/96	67	100	40	60	11	16	16	24
	1996/97	70	100	39	56	10	14	21	30
	1997/98	69	100	32	46	11	16	26	38
	1998/99	39	100	22	56	6	15	11	28
	1999/00	44	100	24	55	5	11	15	34
	2000/01	61	100	27	44	6	10	28	46
	2001/02	61	100	28	46	6	10	27	44
	2002/03	34	100	16	47	4	12	14	41
Other Sexual Offences	1991/92	17	100	9	53	4	24	4	24
	1992/93	23	100	18	78	0	0	5	22
	1993/94	18	100	13	72	1	6	4	22
	1994/95	18	100	8	44	0	0	10	56
	1995/96	23	100	14	61	1	4	8	35
	1996/97	25	100	7	28	3	12	15	60
	1997/98	17	100	10	59	0	0	7	41
	1998/99	29	100	12	41	1	3	16	55
	1999/00	21	100	6	29	2	10	13	62
	2000/01	18	100	7	39	1	6	10	56
	2001/02	16	100	7	44	2	13	7	44
	2002/03	16	100	7	44	3	19	6	38

Table 3 (continued)
Decisions in Nova Scotia Youth Court for cases involving sexual offences and other violent offences, 1991/92 to 2002/03

		Total		Guilty		Acquitted		Stay/ Withdrawn/Other	
		Number	%	Number	%	Number	%	Number	%
Other Violent Offences	1991/92	476	100	344	72	23	5	109	23
	1992/93	511	100	375	73	22	4	114	22
	1993/94	498	100	347	70	15	3	136	27
	1994/95	574	100	398	69	20	4	156	27
	1995/96	652	100	426	65	30	5	196	30
	1996/97	667	100	458	69	27	4	182	27
	1997/98	642	100	438	68	25	4	179	28
	1998/99	636	100	390	61	33	5	213	33
	1999/00	606	100	389	64	20	3	197	33
	2000/01	666	100	393	59	28	4	245	37
	2001/02	654	100	372	57	12	2	270	41
	2002/03	581	100	346	60	22	4	213	37

Table 3. Note: Represents most serious offence in the case.

Table 4
Sentences in Nova Scotia Youth Court for cases involving sexual offences and other violent offences, 1991/92 to 2002/03

		Total		Secure custody[25]		Open custody[26]		Probation[27]		Fine[28]/Other[29]	
		Number	%	Number	%	Number	%	Number	%	Number	%
Sexual Assault (Levels 1, 2 and 3)	1991/92	32	100	3	9	10	31	17	53	2	6
	1992/93	36	100	1	3	9	25	26	72	0	0
	1993/94	42	100	4	10	15	36	23	55	0	0
	1994/95	42	100	7	17	8	19	25	60	2	5
	1995/96	40	100	1	3	12	30	24	60	3	8
	1996/97	39	100	2	5	14	36	23	59	0	0
	1997/98	32	100	2	6	6	19	23	72	1	3
	1998/99	22	100	0	0	1	5	21	96	0	0
	1999/00	24	100	3	13	5	21	16	67	0	0
	2000/01	27	100	1	4	1	4	25	93	0	0
	2001/02	28	100	0	0	4	14	23	82	1	4
	2002/03	16	100	1	6	3	19	11	69	1	6
Other Sexual Offences	1991/92	9	100	0	0	2	22	7	78	0	0
	1992/93	18	100	1	6	3	17	14	78	0	0
	1993/94	13	100	1	8	2	15	10	77	0	0
	1994/95	8	100	1	13	1	13	6	75	0	0
	1995/96	14	100	0	0	2	14	12	86	0	0
	1996/97	7	100	0	0	1	14	6	86	0	0
	1997/98	10	100	0	0	2	20	8	80	0	0
	1998/99	12	100	1	8	1	8	9	75	1	8
	1999/00	6	100	0	0	0	0	6	100	0	0
	2000/01	7	100	0	0	1	14	6	86	0	0
	2001/02	7	100	0	0	1	14	6	86	0	0
	2002/03	7	100	0	0	0	0	7	100	0	0

Table 4 (continued)
Sentences in Nova Scotia Youth Court for cases involving sexual offences and other violent offences, 1991/92 to 2002/03

		Total		Secure custody		Open custody		Probation		Fine/Other	
		Number	%	Number	%	Number	%	Number	%	Number	%
Other Violent Offences	1991/92	385	100	16	4	76	19	246	65	45	12
	1992/93	429	100	27	7	79	18	267	61	56	13
	1993/94	402	100	26	6	88	21	257	65	31	8
	1994/95	448	100	36	7	96	22	274	61	40	9
	1995/96	480	100	19	4	126	26	313	65	19	4
	1996/97	504	100	8	1	123	24	340	68	33	7
	1997/98	480	100	8	1	116	25	328	68	27	6
	1998/99	424	100	8	2	113	29	282	65	20	5
	1999/00	419	100	20	4	118	29	267	63	14	3
	2000/01	427	100	9	2	114	29	295	67	9	2
	2001/02	407	100	15	4	121	31	260	62	10	2
	2002/03	369	100	8	2	135	38	217	58	8	2

Note: Represents most serious offence in the case and most serious sentence.

Notes

[1] Source: Statistics Canada, Canadian Centre for Justice Statistics, Criminal Victimization in Canada, 2004. Catalogue no. 85-002-XPE, Juristat, Vol. 25, no.7.

[2] Information pertaining to the statistical significance of provincial differences in rates of sexual assault was obtained through personal communication with Karen Mihorean, Chief, Integration and Analysis, Canadian Centre for Justice Statistics, Statistics Canada, December 12, 2005.

[3] **Stranger** is defined by the Incident-Based Uniform Crime Reporting Survey as someone who is not known to the victim in any way but has been observed. Halifax Regional Police sources indicate that they include in this category persons known to the victim for less than 24 hours.

[4] **Cleared otherwise** means that the accused was identified but was not charged for a variety of reasons. These may include cases where the complainant requests that charges not be laid against the accused, the accused has died, the accused has diplomatic immunity, the accused is referred to a diversionary program, police discretion, or for a reason beyond the control of the police.

[5] **Other violent offences** include the full range of crimes of violence under the *Criminal Code of Canada* (eg., homicide, attempted murder, assault (three levels), abduction, and robbery). In figures above which compare sexual assault statistics to those for "other violent offences," the latter do not include either sexual assaults or other sexual offences.

[6] **The clearance rate** refers to the proportion of incidents that are cleared either through the laying of a charge or cleared otherwise (see note 5 above for definition of "cleared otherwise").

[7] **Conviction rate** refers to the proportion of total cases with a finding of guilt.

[8] See Tables 1-4 in Appendix B for more detailed information about sexual assault case decisions and sentencing for adult and youth courts in Nova Scotia.

[9] The **Youth Court Survey** collects data from Youth Courts on persons aged 12-17 (at the time of the offence).

[10] Because of relatively small numbers, there is a large amount of variability in sentencing of young offenders in cases of sexual assault and other sexual offences when statistics are examined on a single-year basis. For this reason, sentencing statistics in this section span the entire period from 1991/92 to 2002/03. For detailed statistics on sexual assault sentencing in Youth Courts, see Table 4 in Appendix B.

[11] The definitions of sexual offences used above are from the Canadian Centre for Justice Statistics publication, *Juristat* (Vol. 23, no. 6; Sexual Offences in Canada, Statistics Canada, Catalogue no. 85-002-XIE).

[12] A **hybrid offence** may be processed as either a summary or indictable offence. Except where otherwise stated by law, the maximum penalty for a summary conviction is a fine not exceeding $2,000 or imprisonment for six months or both.

[13] Found **guilty** includes guilty (convicted) of the charged offence, of an attempt of the charged offence, or of an attempt of an included offence. This category also includes cases where an individual has been found guilty but was given an absolute or conditional discharge. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[14] **Acquittal** means that the accused has been found not guilty of the charges presented before the court. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[15] **Stay or Withdrawn** includes stay of proceedings, withdrawn, dismissed and discharged at preliminary inquiry. These decisions all refer to the court stopping or interrupting criminal proceedings against the accused. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[16] **Other** decisions include final decisions of found not criminally responsible, waived in province, and waived out of province. This category also includes any order where a conviction was not recorded, the court's acceptance of a special plea, cases which raise Charter arguments, and cases where the accused was found unfit to stand trial. In Nova Scotia and other jurisdictions that do not provide superior court data, the "other" decision category includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[17] **Imprisonment:** This involves a term of custody served in a provincial/territorial or federal institution. Sentences of two years or more are served in a federal penitentiary, while terms of less than two years are served in provincial/territorial correction facilities. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[18] **Conditional Sentence**: The Sentencing Reform Bill C-41 was enacted in 1996 establishing a new, community-based conditional sentencing option as an alternative to incarceration. With a conditional sentence of imprisonment, the execution of the prison sentence is suspended. In terms of seriousness, it is less serious than prison but more serious than a term of probation. Like probation, conditional sentences are served in the community under supervision and often include a number of conditions restricting the movement and activities of the offender. Unlike probation, however, violation of a condition of a conditional sentence can result in immediate suspension and imprisonment of the offender. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[19] **Probation**: An offender sentenced to a term of probation remains in the community but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all offenders on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include performing community service, abstaining from the consumption of alcohol and attending treatment. Violating the conditions of a probation order is a criminal offence subject to possible prosecution that could result in a maximum sentence of imprisonment of two years. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[20] **Fine**: When a fine is imposed, the offender is ordered to pay a specific dollar amount to the court. Unless the offender has been found guilty of an offence carrying a minimum term of imprisonment, or a maximum penalty of more than five years, an offender may be fined in lieu of other types of punishment. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[21] **Other** types of sanctions: In addition to these principal sentencing options, the courts can choose a variety of other sentencing options, such as restitution, compensation, or an absolute discharge. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.12.

[22] **Stay** involves a stay of proceedings, where a charge or charges are suspended, and the Crown may recommence court proceedings at a later date, within one year. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 25, no.4.

[23] **Withdrawn or dismissed** refer to cases where all charges were withdrawn by the Crown (prior to entering of a plea by the accused) or dismissed by the court. These decisions all refer to the court stopping or interrupting criminal proceedings against the accused. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 25, no.4.

[24] **Other** decisions include cases that were transferred to adult court (under the *Young Offenders Act*), transferred to another jurisdiction, the accused was found to be unfit to stand trial, or not criminally responsible due to mental disorder. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 25, no.4.

[25] **Secure custody:** Sentences to secure custody mean the youth serves his or her sentence in youth facility which provides secure containment or restraint of young persons. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.2.

[26] **Open custody:** Sentences to open custody mean the youth serves his or her sentence in a group homes or community residential facilities where the youth can have some interaction with the community. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 24, no.2.

[27] **Probation:** A young person sentenced to a term of probation remains in the community but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all youth on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include a curfew, reporting to a probation officer, and attending school. The maximum length for a probation order is two years. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 25, no.4.

[28] **Fine:** When a fine is imposed, the young person is ordered to pay a specific dollar amount to the court. The maximum amount that a youth can be fined is $1,000. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 25, no.4.

[29] **Other sanctions:** In addition, the courts can choose a variety of other sentencing options including compensation for damages, restitution, compensation of an innocent purchaser, personal service, prohibition, seizure, or forfeiture, conditional discharge, or absolute discharge. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 25, no.4.

Sources for Figures and Tables

Figure 1.
Sexual Assault Rate per 1,000 Population 15+
Canada and Provinces, 2004
Source: Source: Statistics Canada, Canadian Centre for Justice Statistics, *Criminal Victimization in Canada, 2004*. Catalogue no. 85-002-XPE, Juristat, Vol. 25, no.7.

Figure 2.
Proportion of Violent Crimes that are Reported to Police
Canada, 2004
Source: Source: Statistics Canada, Canadian Centre for Justice Statistics, *Criminal Victimization in Canada, 2004*. Catalogue no. 85-002-XPE, Juristat, Vol. 25, no.7.

Figure 3.
Distribution of Violent Offences Reported to Police
Nova Scotia, 2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 4.
Reported Sexual Offences by Type
Nova Scotia, 2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 5.
Rates of Police-Reported Sexual Assaults
Nova Scotia, 1983-2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 6.
Rates of Police-Reported Sexual Assaults
Canada, Provinces and Territories, 2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 7.
Victim-Suspect Relationship for Sexual Assaults
Reported to the Halifax Regional Police Service, 2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 8.
Percentage of Sexual Assaults and Other Violent Offences Where Charge is Laid
Nova Scotia, 1993-2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 9.
Percentage of Sexual Assaults Where Charge is Laid
Canada, Provinces and Territories, 2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 10.
Clearance Rates for Sexual Assaults and Other Violent Offences
Nova Scotia, 1993-2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 11.
Rates of Police-Reported Sexual Assaults
Nova Scotia and Regions, 2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 12.
Percentage of Sexual Assaults Where Charge is Laid
Nova Scotia and Regions, 2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 13.
Clearance Rates for Sexual Assaults
Nova Scotia and Regions, 2004
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 14.
Conviction Rates for Sexual Assaults and Other Violent Offences
Nova Scotia - Adult Court, 1994/95 to 2003-04
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 15.
Acquittal Rates for Sexual Assaults and Other Violent Offences
Nova Scotia - Adult Court, 1994/95 to 2003-04
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 16.
Conviction Rates for Sexual Assaults and Other Violent Offences
Nova Scotia - Youth Court, 1991/92 to 2002-03
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 17.
Acquittal Rates for Sexual Assaults and Other Violent Offences
Nova Scotia - Youth Court, 1991/92 to 2002-03
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 18.
Sentencing for Sexual Assaults and Other Violent Offences – Prison
Nova Scotia - Adult Court, 1994/95 to 2003/04
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 19.
Sentencing for Sexual Assaults and Other Violent Offences – Probation
Nova Scotia - Adult Court, 1994/95 to 2003-04
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 20.
Sentencing for Sexual Assaults and Other Violent Offences
Nova Scotia - Adult Court, 1999/2000 to 2003-04
Conditional Sentence
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Figure 21.
Sentencing for Sexual and Other Violent Offences
Nova Scotia - Youth Court, 1991/92 to 2002-03
Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

Tables 1 and 2
Source: Adults Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 3 and 4
Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.